

PEARSON, J.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

GEORGE BARTULICA,)	
)	CASE NO. 3:20CV0267
)	
Petitioner,)	
)	JUDGE BENITA Y. PEARSON
v.)	
)	
KAREN VOLZ, ¹ <i>et al.</i> ,)	
)	<u>MEMORANDUM OF OPINION</u>
Respondents.)	<u>AND ORDER</u>

Petitioner George Bartulica filed an Amended Petition for a Writ of Habeas Corpus pursuant to [28 U.S.C. § 2254](#) ([ECF No. 2](#)) alleging two (2) grounds for relief which challenge the constitutional sufficiency of his conviction in Erie County, Ohio Court of Common Pleas Case No. [2015 CR 0358](#). Petitioner was found guilty following a jury trial of one count of assault, two counts of felonious assault, and one count of tampering with the evidence. Bartulica was sentenced to 120 days in the Erie County Jail, which was suspended, and placed on a five-year term of community control. The case was referred to Magistrate Judge Thomas M. Parker for preparation of a report and recommendation pursuant to [28 U.S.C. § 636](#) and [Local Rule 72.2](#). On July 26, 2020, the magistrate judge issued a Report and Recommendation ([ECF No. 9](#)). In his Report, the magistrate judge recommends that the Court deny the habeas petition because (1) the Court does not have jurisdiction to consider whether there was sufficient evidence to prove that Petitioner's knife was – or was used as – a deadly weapon ([ECF No. 9 at PageID #: 1389](#)), (2)

¹ Respondent Karen Volz filed an Answer/Return of Writ ([ECF No. 6](#)) in which her last name was spelled “Voltz.”

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Bartulica's evidence sufficiency claim regarding whether there was evidence that he acted knowingly fails on the merits ([ECF No. 9 at PageID #: 1389-93](#)), and (3) Petitioner's police sergeant "expert" testimony claim is noncognizable because it raises only issues of state law ([ECF No. 9 at PageID #: 1393-96](#)).

[Fed. R. Civ. P. 72\(b\)\(2\)](#) provides that objections to a report and recommendation must be filed within 14 days after service. Objections to the Report were, therefore, due on August 9, 2021. Neither party has timely filed objections. Therefore, the Court must assume that the parties are satisfied with the magistrate judge's recommendations. Any further review by this Court would be a duplicative and inefficient use of the Court's limited resources. [Thomas v. Arn](#), 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985); [Howard v. Secretary of Health and Human Services](#), 932 F.2d 505 (6th Cir. 1991); [United States v. Walters](#), 638 F.2d 947, 949-50 (6th Cir. 1981).

Accordingly, the Report and Recommendation of the magistrate judge is hereby adopted. George Bartulica's Amended Petition for a Writ of Habeas Corpus will be dismissed.

The Court certifies, pursuant to [28 U.S.C. § 1915\(a\)\(3\)](#), that an appeal from this decision could not be taken in good faith, and that there is no basis upon which to issue a certificate of appealability. [28 U.S.C. § 2253\(c\)](#); [Fed. R. App. P. 22\(b\)](#).

IT IS SO ORDERED.

August 11, 2021
Date

/s/ Benita Y. Pearson
Benita Y. Pearson
United States District Judge